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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

LYNWOOD INVESTMENTS CY LIMITED,

Plaintiff,

vs.

MAXIM KONOVALOV, IGOR SYSOEV,
ANDREY ALEXEEV, MAXIM DOUNIN,
GLEB SMIRNOFF, ANGUS ROBERTSON,
NGINX, INC. (BVI), NGINX SOFTWARE,
INC., NGINX, INC. (DE), BV NGINX, LLC,
RUNA CAPITAL, INC., EVENTURE
CAPITAL PARTNERS II LLC and F5
NETWORKS, INC.,

Defendants.

Case No. 3:20-cv-03778-LHK

**STIPULATION OF DISMISSAL OF
REMAINING CLAIMS**

Hon: Maxine M. Chesney

Complaint Filed: June 8, 2020

Trial Date: None Set

STIPULATION OF DISMISSAL OF REMAINING CLAIMS

Plaintiff Hemma Investments CY Limited f/k/a Lynwood Investments CY Limited (“Plaintiff”), on the one hand, and Defendants F5, Inc. f/k/a F5 Networks, Inc., NGINX Software Inc., NGINX, Inc. (BVI), Maxim Konovalov, Igor Sysoev, Maxim Dounin, Andrey Alexeev, Gleb Smirnov, Angus Robertson, Eventure Capital Partners II LLC, BV NGINX, LLC, Runa Capital, Inc. (collectively, “Defendants”), on the other hand, by and through their respective counsel, and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), hereby enter into the following stipulation of dismissal:

WHEREAS, Plaintiff and Defendants are all of the parties that have appeared in this action;

WHEREAS, on April 29, 2021, Plaintiff filed an Amended Complaint (ECF No. 141) asserting twenty-five claims for relief;

WHEREAS, pursuant to Court order (ECF No. 107), Plaintiff selected certain claims to litigate in the first instance, namely the First, Second, Fourth, Seventh, Eighth, Ninth, Twelfth, Thirteenth and Fourteenth Claims for Relief asserted in the Amended Complaint (the “Adjudicated Claims”);

1 WHEREAS, the non-selected claims (the “Unadjudicated Claims”) were stayed pending
2 resolution of the Adjudicated Claims;

3 WHEREAS, on May 27, 2021, the Defendants filed a consolidated motion to dismiss the
4 Adjudicated Claims (ECF No. 144);

5 WHEREAS, on August 16, 2022, the Court granted Defendants’ motion to dismiss and
6 dismissed the Adjudicated Claims with prejudice (ECF No. 162);

7 WHEREAS, Plaintiff wishes to promptly appeal the dismissal of the Adjudicated Claims;

8 WHEREAS, Plaintiff is willing to dismiss the Unadjudicated Claims with prejudice and
9 with each of the parties to bear its or his own fees and costs in connection with the Unadjudicated
10 Claims; and

11 WHEREAS, this Stipulation does not affect or limit any issues of fees or costs with respect
12 to the Adjudicated Claims, any arguments that the Defendants may assert in response to Plaintiff’s
13 planned appeal, or any issues that the Defendants may choose to make the subject of a cross-
14 appeal.

15 **STIPULATION OF DISMISSAL**

16 NOW, THEREFORE, it is hereby stipulated between Plaintiff and Defendants, by their
17 undersigned counsel, as follows:

- 18 1. In accordance with Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil
19 Procedure, the Unadjudicated Claims, namely the Third, Fifth, Sixth, Tenth,
20 Eleventh, and Fifteenth through Twenty-Fifth Claims for Relief asserted in
21 the Amended Complaint, and each of them, are hereby dismissed with
22 prejudice; and
- 23 2. Each of the parties shall bear its or his own costs and fees in connection
24 with the Unadjudicated Claims.

1 DATED: September 9, 2022

By: /s/ Alexander D. Pencu

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1 DATED: September 9, 2022

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10 DATED: September 9, 2022

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16 *Attorneys for Defendants*
17 Maxim Konovalov, Igor Sysoev,
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20 DATED: September 9, 2022

By: /s/ Benedict Hur

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28 DATED: September 9, 2022

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Attorneys for Defendants
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BV NGINX, LLC

ATTESTATION CLAUSE

I, Alexander D. Pencu, am the ECF user whose identification and password are being used to file the foregoing Stipulation. In compliance with Rule 5-1(i)(3) of the Local Civil Rules, I hereby attest that all of the above signatories have concurred in the filing of this document.

Dated: September 9, 2022

/s/ Alexander D. Pencu
Alexander D. Pencu